

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DENISE PIERCE,	)
	)
Plaintiff,	)
	)
v.	)Civil Action No. 04-1005
	)
JO ANNE BARNHART,	)Judge Terrence F. McVerry
	)Magistrate Judge Amy Reynolds Hay
Defendant.	)

**MEMORANDUM ORDER**

AND NOW, this 28<sup>th</sup> day of September, 2005, after the plaintiff, Denise Pierce, filed an action in the above-captioned case, and after Motions for Summary Judgment were submitted, and after an Amended Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, upon consideration of the objections filed by plaintiff, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Amended Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Motion for Summary Judgment filed by Plaintiff is denied;

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by the Defendant is granted;

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits and supplemental security income is affirmed;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order she must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.;

IT IS FURTHER ORDERED that final judgment of this Court is entered pursuant to Rule 58 of the Federal Rules of Civil Procedure.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

David A. Colecchia, Esquire  
542 Hamel Avenue  
Greensburg, PA 15601

Christy C. Wiegand  
Assistant United States Attorney  
Email: christy.wiegand@usdoj.gov